

COMMISSION ON JUDICIAL PERFORMANCE
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HEARING SCHEDULED AND SPECIAL MASTERS APPOINTED IN
MATTER CONCERNING JUDGE PETER J. MCBRIEN

On September 25, 2008, the Commission on Judicial Performance announced it had instituted formal proceedings to inquire into matters concerning Judge Peter J. McBrien, a judge of the Sacramento County Superior Court. The hearing has been scheduled to begin on Monday, February 9, 2009, at 9:00 a.m. in the courtroom of the Third District Court of Appeal at 914 Capitol Mall in Sacramento, California. The hearing will be open to the public.

Under the rules that govern Commission proceedings, the hearing will be conducted by special masters appointed by the Supreme Court: Hon. Dennis A. Cornell, Court of Appeal, Fifth Appellate District; Hon. Gail A. Andler, Superior Court of Orange County; and Hon. Denise deBellefeuille, Superior Court of Santa Barbara County.

At the hearing, the parties will have an opportunity to introduce evidence and examine and cross-examine witnesses. Commission Trial Counsel Andrew Blum has been designated as examiner. Judge McBrien is represented by attorney James A. Murphy, of Murphy, Pearson, Bradley and Feeney in San Francisco, California.

Following completion of the hearing, the special masters will provide the Commission with a report containing their findings with respect to the charges. The parties will have an opportunity to respond to the report through briefing and argument before the Commission. If the Commission determines that the charges are proved by clear and convincing evidence, it is empowered to impose discipline as provided in the California Constitution. Charges that the Commission determines are not proved will be dismissed.

The Commission is composed of three judges, two lawyers, and six public members. The Chairperson is the Hon. Frederick P. Horn of Orange County Superior Court in Santa Ana, California.

For further information about the Commission on Judicial Performance, see the Commission's Web site at www.cjp.ca.gov.